IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Crl.Rev.Pet.No. 1329 of 2007()

CRA.92/2005 of 2005 OF THE SESSIONS COURT,THALASSERY
CC.21/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TALIPARAMBA

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REVN. PETITIONER: PETITIONER/ACCUSED

JOSEPH @ JAIN, S/O.MATHEW, AGED 30 YEARS, MUTHIRAKKALAYIL HOUSE, KANNADIPPARA, TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/07/2007, ALONG WITH CRRP NO. 1403 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. NOs. 1329 2007

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1403 of 2007

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Dated, this the 18th day of July 2007

ORDER

The common revision petitioner in these revisions challenges the conviction entered and the sentence passed against him in C.C. 21 of 2004 and C.C. 152 of 2003 respectively for the common offence of Sec. 379 I.P.C. C.C. No. 152 of 2004 arose out of Crime No. 972 of 2003 of Taliparamba Police Station. According to the prosecution in Crime No. 972 of 2003, on 16-12-2003, the accused traveling on a motor bike snatched a gold chain belonging to the de facto complainant. He was arrested on 18-12-2003 and was convicted by the Magistrate. He was sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs. 5,000/- and on default to pay the fine simple imprisonment for six months under Sec. 379 I.P.C. His conviction and sentence has been confirmed in Appeal filed as Crl.Appeal 92 of 2005 of Sessions Court, Thalassery in C.C. 21 of 2004 arising from Crime No. 982 of 2003 of Taliparamba Police Station.

2, The case of the prosecution in Crime No. 982 of 2003 is that on 2-12-2003 the accused travelling on a motor bike snatched the gold chain of the de facto complainant. He was

arrested on 18-12-2003 in Crime No. 972 of 2003 of Taliparamba Police Station and his arrest was formally recorded in this case also. The trial court convicted him on 29-10-2004 of the offence punishable under Sec. 379 I.P.C. and sentenced him to undergo rigorous imprisonment for two years. The conviction and sentence were confirmed in appeal filed as Crl. Appeal No. 92 of 2005 on the file of the Sessions Court, Thalassery.

3. The learned counsel appearing for the revision petitioner submitted that the revision petitioner is really from a respectable family and he is not a habitual offender and he somehow got involved in Crime No. 972 of 2003 and his implication in Crime No. 982 of 2003 was on the basis of an alleged confession and that actually there was no complaint alleged in Crime No. 982 of 2003 which was registered by the police suo motu based on the lodged confessional statement. The revision petitioner has been in custody for 310 days in Crime No.972 of 2003 and 423 days in Crime No. 982 of 2003. He was released on bail on 14-02-2005.

4. In as much as the conviction has been recorded against the revision petitioner by the courts below concurrently after evaluating the oral and documentary evidence in the case, this Court sitting in the rarefied revisional jurisdiction will be loath to interfere with the said conviction.

5. However, having regard to the facts and circumstances of the case, I am of the view that the imprisonment already

undergone by the petitioner would suffice. Accordingly, the sentence imposed on the revision petitioner in both the ases is reduced to the term already undergone by the revision petitioner. He shall, however, pay the fine amount of Rs. 5,000/- (Rupees five thousand only) imposed in C.C. 152 of 2004 within one month failing which he shall undergo simple imprisonment for three months by way of default sentence.

These revisions are disposed of as above.

V. RAMKUMAR, JUDGE.

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